

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Board/Commission		LIQUOR CONTROL COMMISSION		Meeting Date		June 7, 2018		
Location		Mo‘ikeha Building, Liquor Control Conference Room 3			Start of Meeting: 4:00 p.m.		End of Meeting: 4:18 p.m.	
Present		Chair William Gibson; Vice Chair Paul Endo; Members: Jean Iida, Maryanne Kusaka, Gerald Matsunaga, Gary Pacheco Also: Liquor Control Staff: Director Gerald Rapozo, Private Secretary Cherisse Zaima; Deputy County Attorney Cameron Takamura; Boards and Commissions Administrator Nicholas Courson						
Excused		Shirley Akita						
Absent								
SUBJECT		DISCUSSION				ACTION		
Call To Order						Chair Gibson called the meeting to order at 4:00 p.m. with 6 members present, constituting a quorum.		
Roll Call		Director Rapozo called roll, noting 6 members were present.						
Approval of Agenda						Mr. Matsunaga moved to approve the agenda. Mr. Endo seconded the motion. Motion carried 6:0.		
Approval of Minutes		APPROVAL OF MEETING MINUTES: Open Session minutes of May 17, 2018				Mr. Endo moved to approve the Open Session minutes of May 17, 2018. Mr. Pacheco seconded the motion. Motion carried 6:0.		
1.		VIOLATION HEARING: KAPAA TEXACO: Violation of Rule 3.1 Posting of license and availability of rules and regulations and liquor laws of the State of Hawaii. Director Rapozo noted that pursuant to Rule 3.11, the licensee has waived their right to a violation hearing and has paid a fine of \$150.						
2.		PUBLIC HEARING: MONICO’S TAQUERIA: Application No. 2018-094 was filed on May						

SUBJECT	DISCUSSION	ACTION
	<p>4, 2018 for a transfer of Restaurant General License No. 2G-038 from J Ann B Restaurants LLC dba Wahooo Seafood Grill & Bar to Monico's Taqueria, LLC dba Monico's Taqueria located at 4-733 Kūhi'ō Highway, Kapaa, Kauai, Hawaii.</p> <p>Ms. Kathleen Hernandez-Martinez, owner, was present.</p> <p>Commissioner Matsunaga noted that they are asking for live music and dancing, but the business hours are only from 2:00 p.m. to 9:00 p.m. Ms. Hernandez-Martinez explained that their normal hours will be from 2:00 p.m. to 9:00 p.m., but that they may consider having special events occasionally that may run until 11:00 p.m. or so.</p>	<p>Mr. Matsunaga moved to approve Application No. 2018-094. Ms. Iida seconded the motion. Motion carried 6:0.</p>
<p>3.</p>	<p><u>DIRECTOR'S REPORTS:</u></p> <p>a) <u>INVESTIGATOR'S REPORTS:</u></p> <p>b) <u>INCOMING COMMUNICATIONS:</u></p> <ul style="list-style-type: none"> (1) From Avid Marketing Group (2) From Strike & Techel (3) From MHW, Ltd. (4) From Street Burger, Re: False complaints against business (5) Disturbance Report from Big Wave Dave's, and Troy's <p>c) <u>OUTGOING COMMUNICATIONS:</u></p> <ul style="list-style-type: none"> (1) To Avid Marketing Group (2) To MHW, Ltd. (3) To All Wholesale Licensees, Re: New Liquor License True Blue Charters; New Liquor License AOA of TK Resort 	

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	<p>Condominium</p> <p>d) <u>EMPLOYEES IN LICENSED PREMISES:</u> Managers and Assistant Managers – See Attachment “A”</p> <p>e) <u>ACTIONS OF THE DIRECTOR:</u></p> <ul style="list-style-type: none"> (1) 7-11 HANAMAULU (2) 7-11 Lihu’e (3) POIPU BAY GOLF (4) CLUB (5) PRINCEVILLE WINE MARKET (6) THE WINE SHOP (7) POIPU BEACH FOUNDATION (8) KAUAI CHAMBER OF COMMERCE <p>f) <u>INFORMATIONAL MATTERS:</u></p>	<p>Ms. Iida moved to accept items 3(a) through 3(f). Mr. Pacheco seconded the motion. Motion carried 6:0.</p>
4.	<p><u>EXTENSION IN TIME TO EXERCISE LIQUOR LICENSE:</u></p> <p><u>HANALEI SPIRITS DISTILLERY:</u> Request for extension in time to exercise Application No. 2018-029, which was approved on November 2, 2017.</p> <p>Mr. Grant Wells, and Mrs. Vindi Wells, owners, were present.</p> <p>Commissioner Matsunaga asked how long of an extension they would need. Mr. Wells stated they are just about ready to go. All the equipment is installed and ready, the required wastewater system has been installed, and they submitted their paperwork to the Department of Health, Wastewater</p>	

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	<p>Division yesterday. They are now just waiting for DOH to come and do an inspection, and for the Liquor Department to do a final inspection. Mr. Wells stated that he would likely need a 90-day extension.</p> <p>Commissioner Kusaka expressed concern that they only submitted their paperwork yesterday, and it may take a while for DOH to come and do the inspection. Commissioner Matsunaga suggested a 6-month extension to which Mr. Wells agreed would be a good amount of time.</p>	<p>Ms. Kusaka moved to approve the extension in time to exercise license. Ms. Iida seconded the motion. Motion carried 6:0.</p>
5.	<p><u>CHANGE IN CORPORATE OFFICERS:</u></p> <p><u>QSI, INC.:</u> Election of Christopher Kaonohiokala Borden as President and Director; Resignation of Hideki Okada as President.</p>	<p>Ms. Iida moved to accept the change in corporate officers. Mr. Pacheco seconded the motion. Motion carried 6:0.</p>
6.	<p><u>PERMANENT ALTERATION OF PREMISES:</u></p> <p><u>HANALEI BAY RESORT:</u> Request for permanent alteration of premises to include hand washing sink, ice bin, and blending station, per diagram submitted.</p>	<p>Ms. Iida moved to approve the request for permanent alteration of premises. Mr. Pacheco seconded the motion. Motion carried 6:0.</p>
7.	<p><u>CHANGE OF FIRM NAME:</u></p> <p><u>THE ISO:</u> Change of firm name on Retail Dealer General License No. 4G-041 from “The Mokihana Shoppe” to “The ISO”.</p>	<p>Ms. Iida moved to accept the change of firm name. Mr. Pacheco seconded the motion. Motion carried 6:0.</p>
8.	<p><u>VIOLATION REPORT:</u></p> <p><u>HOKULEI VILLAGE TEXACO:</u> Violation of Rule 10.2 Manager on Duty, qualifications.</p>	<p>Mr. Pacheco moved to call licensee for Violation Hearing. Mr. Endo seconded the motion. Motion carried 6:0.</p>

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9.	<p><u>TRANSFER LIQUOR LICENSE:</u></p> <p><u>THE DOLPHIN POIPU:</u> Application No. 2018-098 was filed on May 21, 2018 for a transfer of Restaurant General License No. 2G-062 from The Dolphin Corp. dba The Dolphin Fish Market & Sushi Lounge to Sugahara Ranch LLC dba The Dolphin Poipu located at 2829 Ala Kalanikaumaka Street, Suite A-100, Building A, Kōloa, Kauai, Hawaii.</p>	<p>Mr. Pacheco moved to accept Application No. 2018-098 for publication and public hearing. Ms. Iida seconded the motion. Motion carried 6:0.</p>
10.	<p><u>DISCUSSION AND POSSIBLE ACTION TO ESTABLISH A PERMITTED INTERACTION GROUP (PIG) REGARDING THE DIRECTOR'S JOB PERFORMANCE REVIEW, THE SCOPE OF WHICH IS TO BE DEFINED BY THE COMMISSION.</u></p> <p>Boards and Commissions Administrator Nicholas Courson explained that he asked for this item to be placed on the agenda because during his time as the Deputy County Attorney to the Liquor Commission, he saw some frustrations with the evaluation review process. The purpose of today's item is not to discuss the Director at all, but rather to determine whether or not the Commission would like to discuss setting up a process for evaluating the Director (not to discuss the Director specifically). Should the Commission wish to do so, the PIG would allow 2-3 members to meet outside of Sunshine Law, and figure out how they would like to review the Director moving forward; what criteria matters to the commission. That group would then report back to the full commission to adopt whatever process they come up with.</p> <p>Administrator Courson pointed out that the way the review was done last year, with reaching out to various stakeholders within the County, seemed to work well, and the Commission seemed happy with it. If the Commission is satisfied with that, they can stick to the same process. He just wanted to</p>	

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	<p>provide the Commission the option should they want to customize their evaluation process further.</p> <p>Chair Gibson asked if the process they utilized last year could be formalized to which Administrator Courson replied yes. Chair Gibson asked the Commission how they felt about that.</p> <p>Commissioner Kusaka stated last year was her first time utilizing the Liquor Commission's system, and if everyone is fine with it, she feels there no reason to change it. She noted that Commissioner Endo had some comments about it.</p> <p>Commissioner Endo stated his only comment was that the maximum point score is 5, and does not allow for anything beyond that such as 5.5, etc. Once you hit a superior rating, there is nowhere else to go beyond that. 5 is the max. How do you justify a 5.5 rating if you cannot go beyond the maximum of 5? Commissioner Kusaka suggested adding things to the comments to explain why the evaluator feels the Director should be rated beyond Excellent.</p> <p>Administrator Courson stated that other departments have expanded upon the point system because they are hesitant to rate at a 5 because that implies there is no more room for growth or development, but they also do not want to rate at a 4 because they feel that implies the person is performing at a lower level. The Commission could explore creating a wider range.</p> <p>Commissioner Endo stated he doesn't have a problem with the point ranges such as 4.3, 4.4, 4.5, etc., but questioned how you would go beyond 5 when that is the maximum score, and means you are superior; if there was a 6, then you could rate at 5.1, 5.2, etc. If you rate at a 4.6, 4.7, that implies there is</p>	

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	<p>room for improvement, but if you rate at a 5, that's it. You cannot go beyond that because that is all the system allows for.</p> <p>Administrator Courson stated if all the Commission wants to do is formalize the current process, they would not need to create a PIG, they could formalize it in other ways. However, if it's worked well in the past, there may be no need to formalize it at all. The Commission will still have the option to change the process every year if they want. He added that when it gets closer to the Director's evaluation in August, the Commission could always invite a representative from Human Resources to answer any specific questions they may have about the scoring system, etc.</p>	No action was taken on this item.
Announcements	<p>There will be no meeting scheduled for June 21, 2018 due to the NCSLA Conference.</p> <p>Next Scheduled Meeting: Thursday, June 28, 2018 – 4:00 p.m., Mo'ikeha Building, Meeting Room #3.</p>	
Adjournment		Chair Gibson adjourned the meeting at 4:18 p.m.

Submitted by: _____
Cherisse Zaima, Private Secretary

Reviewed and Approved by: _____
William Gibson, Chair

() Approved as circulated.

() Approved with amendments. See minutes of _____ meeting.